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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

ORIGINAL

In the Matter of)

Inquiry Concerning the Deployment of)
Advanced Telecommunications)

Capability to All Americans in a Reasonable)
and Timely Fashion, and Possible Steps)
to Accelerate Such Deployment Pursuant to)
Section 706 of the Telecommunications Act)
of 1996)

CC Docket 98-146

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SEP 14 1998

COMMENTS OF WILLIAMS COMMUNICATIONS, INC.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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SUMMARY

Fiber optic systems will be the primary means of providing advanced intercity telecommunications services. Williams will play an important role in expanding the existing fiber optic infrastructure and in delivering services, both directly and indirectly through resale of its services by carriers and Internet service providers.

Rapid deployment of fiber optic systems is necessary to serve the needs of companies providing advanced services and to add the raw bandwidth necessary to promote economic growth. Even relatively short delays due to local or state action or inaction can cause significant disruption of construction schedules.

Deployment of intercity fiber optic systems will promote growth of local rural telecommunications infrastructures. Such systems can directly serve rural areas as demand increases in those regions.

Some local governments use their control of rights of way to obtain revenues and in-kind contributions far in excess of the cost of accommodating intercity systems. Unless the Commission can adopt procedures for rapidly granting relief to carriers seeking to deploy advanced networks in or through such jurisdictions, such local demands will be a significant and increasing impediment to achieving the goals set forth in Section 706. A Commission statement that certain common abuses violate federal law would facilitate carrier negotiations with local governments and provide guidance to those governments.

Williams recommends that the Commission adopt expedited and streamlined procedures by which interstate nondominant carriers can voluntarily obtain Section 214 certificates. Such certificates will allow carriers to demonstrate that they have specific

federal construction authority and help them avoid challenges to such authority before state agencies or state courts.

To expedite federal, as well as state and local review of permit applications related to telecommunications projects, Williams also suggests that the Commission issue a statement that rapid deployment of telecommunications infrastructure projects is in the national interest.

Williams recommends that the Commission propose to Congress the adoption of criminal and civil statutes to deter intentional damage to interstate telecommunications systems.

The Commission should consider the effects of Universal Service Fund assessments on the advanced services market. If such assessments materially discourage use of advanced telecommunications services, the Commission should so inform Congress, which may elect to provide Universal Service Fund subsidies from other sources.

Tariffs can speed delivery of advanced services from the perspective of both customers and carriers. The Commission should allow carriers that elect to retain tariffs on file to do so.

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COMMENTS OF WILLIAMS COMMUNICATIONS, INC.

I. INTRODUCTION

Williams Communications, Inc. ("Williams"), a national fiber optic and satellite telecommunications carrier, respectfully submits the following comments. Williams and its parent company have substantial experience in intercity fiber optic communications. For that reason, these comments will focus primarily on interLATA capabilities and services in the advanced telecommunications market and means in which the Commission can facilitate delivery of advanced telecommunications services to individuals, businesses, and governmental agencies.

Most advanced services rely on fiber optic technology for intercity communications. Continuing advances guarantee that fiber optic cables will be the primary means of transmitting advanced telecommunications between LATAs for many years. Like silicon chip development, improvements in optical fiber and the associated "optronic" equipment create orders-of-magnitude increases in capacity. For example, when Williams' parent company first entered the long-haul market in the mid 1980s, a

typical pair of fiber strands could carry six thousand voice conversations. Today, Williams is deploying cables in which a pair of fibers can transport a million conversations. Because of the importance of fiber optic deployment, it can be considered practically synonymous with advanced telecommunication capabilities in the intercity market.¹

A. Importance of Advanced Telecommunications Services

Williams fully agrees with the Commission's description of the importance of advanced telecommunications capabilities and services.² The most significant development in the era following the AT&T divestiture has been the development and deployment of fiber optic systems. Annex A sets forth quotations from a variety of news articles discussing the importance of fiber optic deployment for local and state economies. Fiber optics represent the best and, for many applications, the only, cost-effective means of transporting information over long distances. Other technologies, such as satellite and microwave, have significant roles to play, but intercity fiber optic networks are transporting, and through much of the next century will transport, vastly more bits of information than all other intercity technologies combined. Almost any telecommunications service that can be classified as advanced can be transported over fiber optic lines.

¹ A significant exception is point-to-multipoint applications, where satellite communications may be more cost-effective and, if a delay in response time is acceptable or irrelevant, fully capable of serving the customer's requirements.

² Notice of Inquiry ¶ 1.

The Commission cannot achieve broad infrastructure objectives, but it can establish them. It can also assist industry in meeting national objectives by actively exercising its regulatory, preemptive, and congressional advisory responsibilities.

B. Description of Williams' Current and Future Network

Williams has two major divisions. Its Network Services division is constructing a fiber optic network that will expand to 32,000 miles by the end of 2001. This network, one of the most advanced telecommunications networks in the United States, has a nationwide presence connecting over 80 major markets. Williams uses SONET architecture, lambda-shifted fiber optic cabling on its new construction projects, and ATM switching technology that can support any of the Williams' services.

Its newest (post-1996) routes will use OC-192 transport systems with dense wavelength division multiplexing, providing up to 160 gigabits per second on a single-fiber system. Williams typically installs a minimum of 96 fibers along these new routes. Unlike older fiber optic networks, Williams' network architecture is not centered around voice communications. Instead, it is designed for a future in which voice traffic will represent a very small proportion of total intercity telecommunications. Thus, these Williams facilities not only will be capable of delivering advanced telecommunications services, but will be designed and marketed for that purpose.

Williams' Vyvx Services division owns or leases transmission paths for domestic and international video telecommunications. Vyvx's capabilities include access to Williams' fiber optic network, satellite space segment leases, and fixed and transportable earth stations. Its transponder inventory is linked to more than 50 switching centers on

Williams' fiber optic system through Atlantic and Pacific region satellites and four earth stations.

C. Description of Williams' Current and Future Product Offerings

Williams operates as a common carrier/public utility, offering services to the general public.³ However, its services are designed to serve two markets. Its Network Services division serves the wholesale "carriers' carrier" market, including interexchange carriers, LECs, Internet service providers, and others requiring bulk high-bandwidth communications services. The Vyvx division provides video services, primarily to the broadcast television industry.

Williams' Network Services division will offer a range of services developed to meet the needs of telecommunications providers who require wholesale services. These communications services will include:

- Private line services - Bulk high-bandwidth point-to-point circuits ranging from speeds of DS-3 (equivalent to 672 voice grade circuits) to OC-48 (48 DS-3s, or the equivalent of over 30,000 voice grade circuits).
- ATM services - High-bandwidth aggregated cell transport service supporting connections at speeds from DS-3 to OC-3 for multimedia communications.
- Frame relay services - Bulk aggregated packet transport service supporting connections at speeds from the DS-0 to the DS-1 level for data communications.

³ Williams provides enhanced services on a non-common carrier basis and may provide certain highly tailored services on that basis as well.

- Collocation services - High-quality, secure space housing customer networking equipment within Williams' points-of-presence.
- Customer network management - Convenient customer access to service management information. For example, customers can monitor the status, activities, and resolution of their network changes or additions, issue their own trouble tickets or action tickets, or view network alarms.

Williams' Vyvx Services division is a leading international provider of integrated fiber optic, satellite, and teleport video transmission services. It provides domestic and worldwide coordination for news, sports, and special events broadcast by television networks as well as other video services. It was the first carrier to provide commercial video "backhaul" of live broadcast signals from the event site to a network studio. It currently provides backhaul links for most U.S. professional sports broadcasts. Vyvx is preparing to meet the future needs of the television industry, such as those resulting from the conversion to digital television systems. In December 1996, Vyvx provided the first satellite transmission of an all-digital, commercial, high-definition television broadcast.

Vyvx's ChoiceSeat™ offering allows sports fans individual in-stadium access to view multiple camera angles, watch instant replays, retrieve statistics and real-time information, play interactive games, and place merchandise orders directly from their seats. While primarily an entertainment product in its introductory phase, the development of ChoiceSeat may lead to products suited for use in classrooms, libraries, and information kiosks.

D. Need for Quick Deployment

In many cases, the telecommunications market's demand for added capacity forces large consumers of long-haul capacity (such as long distance companies and CLECs) to make purchase commitments before new fiber optic facilities are in service. In particular, emerging competitors in both the IXC and LEC markets have made long-term commitments to obtain dark fiber IRUs or large amounts of capacity from companies such as Williams, IXC, and Qwest. To meet these commitments, and continue to add capacity "fuel" to the telecommunications/computer engine that drives much of our economy, interexchange carriers must move very quickly. For example, Williams broke ground for its Washington, D.C. to Houston system in July 1997 and completed testing of fiber between the two cities in August 1998. Even a few weeks delay caused by a government agency can seriously disrupt construction plans, particularly when companies have established construction plans to avoid seasonal constraints.⁴ Such disruptions delay the availability of added capacity and discourage further infrastructure deployment, with resulting adverse effects on the delivery of advanced services.

⁴ Such seasonal constraints include weather conditions that make land too muddy or frozen for construction, environmental regulations restricting construction in specific areas during certain wildlife migration or mating periods, agricultural growing seasons, and local moratoria on street construction during holiday periods. In Louisiana, for example, Williams timed its construction to coincide with dry seasonal weather. During the rainy season, many Louisiana rice farmers use their rice paddies for crayfish cultivation; cable installation across the extensive dikes in that state during that season is much more disruptive to local agriculture than construction when the impoundments are dry.

E. Effect of Intercity Infrastructure Development on Rural Telecommunications Capabilities

Few intercity fiber optic systems directly serve significant numbers of rural areas. This occurs for two reasons. A point of presence (an interface between long-haul and local networks) is costly to equip and maintain and requires a minimum level of traffic to justify its existence.⁵ In addition, ILECs have extensive intraLATA networks reaching both rural and urban communities, making numerous points of presence in each LATA unnecessary. In many cases, of course, rural intraLATA facilities are inadequate to support much more than basic voice telephony.

However, the development of intercity facilities will assist in development of rural telecommunications infrastructure. First, the new, high-capacity fiber optic systems will greatly reduce long-haul costs, perhaps exceeding in percentage terms the reductions in broadband service costs resulting from construction of the first generation of fiber optic systems. Such cost reductions will create additional local infrastructure development just as, in the nineteenth century, transcontinental railroads encouraged construction of spur lines and farm-to-market roads to connect with an inexpensive means of long-haul transportation.⁶

⁵ Cf. *United States v. Western Electric Co.*, 569 F. Supp. 990, 995 n. 24 (D.C.D.C. 1983) ("large LATAs also have some procompetitive features (e.g., they tend to reduce the number of facilities AT&T's competitors will have to build . . .)").

⁶ In economic terms, assume that it costs \$40 per month per household to provide a certain level of local rural capability and \$30 per month to provide the same intercity capability. In the absence of subsidies or regulatory fiat, ILECs and CLECs will not provide local rural infrastructure with that capability if prices must fall below \$65 per month to generate sufficient demand. However, if the intercity cost drops to \$15 per month, consumer demand will support the necessary local infrastructure improvements.

Second, intercity systems can interconnect with rural areas as rural demand increases. Williams has optical amplifier or regenerator sites at approximately forty-mile intervals along its system and most fiber optic systems have no more than eighty-mile spacing between such sites. Carriers can establish connections with local fiber optic systems or spurs at these sites with little difficulty once rural demand justifies the necessary expenditure for additional equipment.

Third, development of intercity fiber optic systems frees up scarce radio spectrum for use in broadband applications in rural areas. For example, Williams' use of fiber optic facilities for broadcast backhaul diverts substantial amounts of traffic from satellite/earth station links. Fiber optic systems have already made even highly advanced point-to-point microwave systems economically obsolete for new projects except in very rugged or sparsely settled rural areas or for last-mile use.

Fourth, many of the same technologies, installation techniques, manufacturing plants, and products developed to serve intercity (and intraurban) fiber optic construction will be available to facilitate rural development. As purchases by interexchange carriers and LECs provide an incentive for suppliers to increase manufacturing capacity, the resulting decrease in per-unit costs will make expansion into rural areas less expensive.

II. FACILITATING DEPLOYMENT OF FACILITIES

A. Local Government Issues

Many local governmental entities readily facilitate the construction of intercity fiber optic facilities through their jurisdictions. These jurisdictions presumably recognize

the tremendous local, regional, and national value of long-haul fiber optic networks or at least recognize their obligations under federal law.

Other government units view their near or actual monopolies on local rights of way as a tool for extracting the maximum amount of revenues and in-kind contributions from intercity systems. Carriers seeking to bring broadband networks and products to market in a very short time frame may not have the time to obtain judicial or regulatory relief via existing procedures. Such carriers usually will be unable to avoid jurisdictions imposing unreasonable conditions. Even in the unusual case in which carriers can avoid longitudinal use of city streets, they almost always must obtain street crossing permits.

Williams has faced the following demands from certain local governments, and in several cases has had to accede to such demands:

- regulation of Williams' right to provide indefeasible rights of use (IRUs) in "dark fiber" or similar rights to other carriers;
- prohibitions on providing local service;⁷
- prohibitions on providing intrastate service over the constructed facilities;⁸
- installation of additional duct for city use or resale (some of this duct has almost no potential use to the governmental unit);

⁷ E.g.: "Franchisee is authorized to provide only long distance network services under the terms of this Franchise Agreement with the City."

⁸ E.g.: "This agreement authorizes [Williams] to operate only as an interexchange carrier with the authorization to provide only interstate services within the City and nothing in this Agreement shall be construed as granting [Williams] the authorization to provide any local exchange services, switched services, cable television services or in any way provide direct and/or local telecommunications services to private entities."

- annual or monthly recurring fees that are far above any costs resulting from the presence of cable and conduit;
- one-time fees that exceed by a wide margin any legitimate costs incurred in processing an application;
- requirements that Williams have a state certificate of public convenience of necessity (Williams, of course, has full federal authority to construct interstate facilities and provide interstate services without such certificates);
- refusals to grant Williams the same rights accorded to existing carriers;
- requirements that Williams provide detailed financial and other information (even when Williams also must obtain a bond protecting the city's interests before construction),⁹
- requirements that Williams maintain certain records within the same state.

Knowledgeable advisors in one state warn that challenges to city requirements will result in applications for construction permits being "lost." All of the above practices appear to violate the Telecommunications Act of 1996 and, in some cases, the Constitution's Commerce Clause.

Attempts by a few local governments to obstruct interstate projects until the carrier agrees to unreasonable terms can delay the availability of advanced services. For example, an Internet service provider may enter a local market only when it has broadband links to its network. If the Internet service provider's fiber optic carrier faces

⁹ In some cases the requested information is more extensive and detailed than that which a typical state utility commission requires in the context of a certificate application.

delays in entering a city, consumers will have fewer choices and may have slower Internet access.

Local government units communicate informally and through national associations. Furthermore, many local governments employ consultants who specialize in extracting the largest volume of dollars possible from local and interstate telecommunications providers. These communications channels will tempt local governments that heretofore have imposed only permissible levels of fees to emulate others that have chosen the politically noncontroversial path of taxing carriers using local rights of way. Intercity carriers will, absent Commission action, face increasingly high local "tolls" from an increasing number of cities.

To prevent such abuses, the Commission must provide very rapid means of resolving challenges to local regulations (or failures to act) that violate federal law. Williams recognizes that formal challenges to local practices consume substantial amounts of Commission resources and, even if expedited and even if the local government's regulations are clearly unlawful, will typically be too slow to avoid substantial and costly construction delays. Accordingly, Williams proposes that the Commission consider self-policing procedures in a rulemaking proceeding. One possible structure would work as follows:

1. Any interstate common carrier¹⁰ may provide notice to a local governmental unit of its intent to construct telecommunications facilities in the unit's rights of way.

¹⁰ This would include almost all local and interexchange carriers; under the Telecommunications Act, the Commission appears to have the authority to apply this regulation to intrastate services as well.

2. Within ten days delivery of the notice, the unit must provide any applicable drawings of the rights of way designated by the carrier to the extent such drawings are not publicly available and are necessary for the carrier to plan such construction.

3. Within fifteen days of receiving a copy of the carrier's engineering drawings showing detailed construction plans, the unit must either approve the plans or give specific written reasons why the plans are not acceptable. Such rejections must be based on reasonable, nondiscriminatory, and objective engineering, operational, or safety reasons.

4. The unit may charge a reasonable amount for copying drawings and for processing applications and may impose bonding requirements. The Commission could establish a charge that is presumptively reasonable and could do the same for bonding requirements. The carrier would have the burden of proving lower charges (or bond requirements) were unreasonable and the unit would have the burden of proving higher charges (or bond requirements) were reasonable.

5. The carrier could challenge any unit determination through private arbitration conducted within twenty days of notice to the unit. If the unit refused to arbitrate, the carrier could construct pursuant to its plans but must observe reasonable construction practices (including any generally applicable environmental regulations) and must post a bond.

A specific statement by the Commission that certain now-common practices violate the law and are therefore not binding on carriers would also be very useful in

negotiating with local governments; such guidance would also assist law-abiding government units in conforming their regulations accordingly. Williams believes that the Commission could issue such an interpretative statement without the delays inherent in a notice-and-comment rulemaking. Clear Commission statements could enable carriers to obtain injunctive relief in situations where courts might otherwise invoke the primary jurisdiction doctrine.

B. State Government Issues

It has been Williams' experience that most state governments, particularly state utility commissions, display substantial sophistication and a willingness to comply with federal telecommunications laws and policies. This may be because the states independently recognize the value of telecommunications infrastructure development and because of the experience they have gained over the past fifteen years in handling competitive entry.

Williams does face recurring challenges to its status when it begins construction under federal authority before obtaining state certificates. To date, no court or state commission has ruled that Williams must first obtain a state certificate before exercising the same rights available to intrastate providers. Williams has faced construction delays because of allegations before courts or agencies that a state public utility certificate is a prerequisite to (1) constructing facilities or (2) exercising state rights of eminent domain. The first contention is equivalent to stating that the states have the right to nullify the Commission's blanket authorization of common carrier facilities construction.¹¹ The

¹¹ 47 C.F.R. § 63.07 (1998) (authorizing construction of interstate facilities by entities that are or would be interstate common carriers).

second allegation is based on the premise that the states have the right to discriminate in favor of intrastate commerce,¹² a proposition that violates well-established Supreme Court precedent¹³ but which can be difficult to challenge in local courts unused to considering Commerce Clause and preemption issues.¹⁴

The risk that a court or state agency will commit legal error may be small, but it can be difficult and time-consuming to demonstrate that a particular company has federal construction authority or that a state must provide interstate carriers the same eminent domain privileges it provides to intrastate certificated carriers. Adoption of the expedited interstate Section 214 certification procedure outlined in the following section as well as a Commission statement concerning the importance of fiber optic deployment to national goals will help prevent such delays and reduce the likelihood of a lower court committing

¹² It might be possible to establish state certification procedures that did not discriminate against interstate providers and that do not act as a de facto barrier to the exercise of federal rights. Allegations that Williams has confronted relate to more traditional state certification procedures that, if made a condition precedent to exercise of eminent domain, would bar purely interstate companies from using rights available to intrastate companies.

¹³ “Once a state law is shown to discriminate against interstate commerce ‘either on its face or in practical effect,’ the burden falls on the State to demonstrate both that the statute ‘serves a legitimate local purpose,’ and that this purpose could not be served as well by available nondiscriminatory means.” *Maine v. Taylor*, 477 U.S. 131, 138 (1986); see also *Kern River Gas Transmission Co. v. Clark County*, 757 F. Supp. 1110, 1118 (D. Nev. 1990) (requiring proof that construction of interstate gas pipeline is necessary to satisfy local needs, rather than interstate needs “is a clear violation of the Commerce Clause.”).

¹⁴ Trial judges and other officials in most jurisdictions are willing to resolve eminent domain proceedings without undue regard for parochial or local political concerns. However, a decision in only one of many jurisdictions to the effect that purely interstate carriers do not have condemnation authority can effectively block completion of an intercity system. A delay in reaching a decision can be almost as damaging to infrastructure construction as an erroneous decision on the law.

legal error that could take years to correct. Such a statement should make it clear that construction of systems by multiple carriers is necessary to achieve these goals.¹⁵

Williams believes that a constructive and ongoing dialog between the states and the Commission will minimize future barriers to intercity fiber optic deployment. In some instances, the same issues discussed above with respect to local governmental units may arise¹⁶ and the recommended interpretative statement should apply to state as well as local governments.

C. Federal Government Issues

Commission regulations pose few entry barriers for companies planning to construct fiber optic networks. Other federal agencies are generally cooperative with telecommunications companies seeking environmental approvals, crossing permits, and other authorizations, although Williams has experienced delays on occasion.

Williams suggests that the Commission issue an unequivocal statement that rapid deployment of telecommunications infrastructure projects, including but not limited to fiber optic systems, is in the national interest and is in conformance with and in furtherance of federal objectives set forth in the Communications Act and the Telecommunications Act. Such a statement would help companies seeking to expedite federal, as well as state and local, review processes.

¹⁵ Some of those opposing construction of fiber optic systems allege that new systems are not needed and that existing systems or existing levels of facilities-based competition are adequate to support infrastructure needs and maintain a competitive market.

¹⁶ In a few cases, state department of transportation officials have considered a certificate to provide intrastate services to be a prerequisite to processing a permit to use state highway rights of way.

As discussed above, Williams frequently faces challenges to its right to construct or use state eminent domain powers. In most cases, having concise, tangible, and direct evidence of its status as a federally authorized interstate common carrier would be sufficient to quiet these challenges. Williams recommends that the Commission allow interstate common carriers to voluntarily file applications for interstate Section 214 certificates and that it grant such certificates by individual order,¹⁷ barring meritorious challenges, thirty days after issuing public notice. These applications would consist of general descriptions of proposed routes and of the types of facilities. The orders granting the certificates would reference the general description, enabling state and local officials and landowners to identify the proposed project. An interstate carrier could elect to proceed under existing forbearance authority without obtaining specific Section 214 authorization and carriers could, by notice to the Commission, abandon certificated projects.¹⁸ Certification would not relieve carriers of their existing environmental preservation obligations.

Federal legislation imposing criminal and civil liability on persons damaging interstate telecommunications systems would help prevent interruptions to the nation's advanced telecommunications infrastructure. The direct costs of routine restoration of a cut fiber optic cable can exceed \$100,000; the indirect economic effects of interruption of

¹⁷ The need for individual orders and a cursory description of the proposed facilities would require somewhat different procedures than those in effect for streamlined international certificate applications.

¹⁸ This procedure would become of even greater importance if carriers voluntarily or pursuant to Commission mandate, detariff their services. A filed tariff, while less persuasive as evidence of federal authorization to construct than a certificate, does provide some proof of a company's common carrier status.

interstate fiber optic systems can be much greater.¹⁹ Most interstate fiber optic lines are well-protected from accidental damage or casual vandalism, but are very vulnerable to intentional actions by a dedicated wrongdoer.

The current federal statutes apply only when sabotage is directed at communications lines carrying national defense traffic.²⁰ As a result, law enforcement officials normally could prosecute even massive and intentional economic sabotage only under state criminal mischief or property destruction statutes, which vary in their deterrent effects. A federal law protecting interstate networks would improve deterrence and allow involvement of the Federal Bureau of Investigation in cases of threatened and actual damage to such facilities. The Commission should recommend that Congress enact such a statute.

¹⁹ Intentional acts of sabotage could be planned to strike networks in such a manner as to prevent use of SONET automatic restoration through re-routing. Even when SONET systems automatically reroute traffic, the network is much more vulnerable to equipment failure or further cable damage pending restoration of the original cut cable.

²⁰ See 18 U.S.C. § 1362 (1998) (requires injury to communication facilities “controlled by the United States, or used or intended to be used for military or civil defense functions of the United States”); *id.* § 2153(a) (requires intent to injure “war utilities” during time of war or national emergency; *id.* § 2155(a) (requires intent to injure “national-defense utilities”). Section 1362 provides some indirect protection against general economic or mischievous sabotage when a system carries defense traffic. However, the use of advanced ATM and other virtual network technologies can make it difficult to prove that particular types of communications traversed a particular route. In addition, the owner of the telecommunications system may not know whether its customers use the system to carry defense communications.

III. FACILITATING USE OF SERVICES

A. Universal Service Fund

Williams recommends that the Commission consider the effects of Universal Service Fund (“USF”) assessments on the advanced services market. Facially, it seems counterproductive to tax companies providing, or consumers using, advanced services in order to promote the availability of such services. Replacing hidden subsidies with explicit USF subsidies is a step forward, but USF taxation artificially reduces demand for the very telecommunications services it seeks to make more widely available. Unless USF assessments will decrease significantly the Commission should recommend that Congress provide USF subsidies from a more broadly based tax or from general revenues.

B. Tariff Regulations

Williams supports the Commission’s efforts to reduce the burden of tariff regulations on carriers. However, tariffs can play a very important role as a substitute for contracts or by providing standard terms and conditions incorporated into contracts. For example, a television station requiring Vyvx’s services on one-day’s notice may not have time to review and execute a contract for those services.

Williams recommends that any future tariff forbearance reforms allow carriers to file tariffs, even if they are not required to do so. If the Commission believes that the filed rate doctrine (which, in general, requires that the terms of tariffs prevail over those of contrary oral or written agreements) creates potential traps for consumers, it should

adopt regulations (or ask Congress to enact laws) making the doctrine inapplicable to nondominant carrier tariffs.

IV. CONCLUSION

Williams offers the following specific recommendations, discussed above, to advance the goals of Section 706:

- Adoption of self-policing procedures to deal with attempts to impose unlawful restrictions on use of local government rights of way;
- Issuance of an interpretative statement by the Commission specifying that such restrictions are unlawful;
- Issuance of a statement by the Commission emphasizing the importance of fiber optic deployment to national goals;
- Adoption of expedited procedures by which interstate common carriers can obtain Section 214 certificates;
- Adoption of federal legislation imposing criminal and civil liability on persons damaging interstate telecommunications systems;
- Review of USF assessments and their effects on delivery of advanced telecommunications services;
- Allowing common carriers to continue filing tariffs, even if the Commission forbears from mandatory tariff requirements.

WILLIAMS COMMUNICATIONS, INC.

Joseph W. Miller/CC

David P. Batow
Joseph W. Miller
William H. Gault

Its Attorneys

Dated: September 14, 1998

Service Address:

Joseph W. Miller
P.O. Box 2400
Suite 4100
One Williams Center
Tulsa, Oklahoma 74102
(918) 573-2108

APPENDIX A

SELECTED QUOTATIONS FROM NEWS ARTICLES DISCUSSING IMPORTANCE OF FIBER OPTIC DEPLOYMENT

James Fink, *Main St. Fiber Optic Network Builds City's High-Tech Lure; Establishment of a Business Incubator in Buffalo, New York*, Business First of Buffalo, March 16, 1998, at 11

"Because of [its] fiber optics, downtown Buffalo has a chance, and should be, the digital center of the region," said Alan DeLisle, Buffalo Enterprise Development Corp. president.

Mark Ridley-Thomas, *Area's Leaders Must Cooperate on Telecommunications*, The Daily News of Los Angeles, Jan. 4, 1998, at V3.

[T]he city of Los Angeles is focusing on the region's fiber-optics needs. . . . [T]he build-out of our wide area network to connect the Harbor, the Valley, East Los Angeles and South Los Angeles is critical to meet the demands of this region's businesses.

. . . . Multimedia and other businesses are urgently requesting additional telecommunications capacity. We must meet these needs to stay competitive and to signal our willingness to work beyond city lines.

. . . .

NOTES: Councilman Mark Ridley-Thomas is chairman of the Los Angeles City Council's Information Technology and General Services Committee.

John Markoff, *Old Man Bandwidth; Will Commerce Flourish Where Rivers of Wire Converge?* New York Times, Dec. 8, 1997, § D at 1, col. 2.

Mr. Reid, a computer scientist with the Digital Equipment Corporation, had done pioneering work in the 1970's on the Arpanet, the computer network that would evolve into the Internet. While playing tourist with his fourth-grade daughter in 1994, he realized that each [18th]-century mission he had visited represented an experiment in urban planning; those that combined the right economic,